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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,843	07/04/2005	Dominique Michaud	14149-11US MG/dp	7207
20988 7590 03/23/2007 OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
31 DAYS		03/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/519,843

Applicant(s)

MICHAUD ET AL.

Examiner

Cathy K. Worley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-24 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-10 and 12-21, drawn to a method for increasing the recovery yield of a recombinant protein with a protease inhibitor released from a plant cell at the time the cells are disrupted.

Group II, claim(s) 11 (in part), 1-10, 12-14, and 16-21, drawn to a method for increasing the recovery yield of a recombinant protein using an inhibitor released from a plant cell at the time the cells are disrupted, wherein said inhibitor is an antibody or a fragment thereof.

Group III, claim(s) 11 (in part), 1-10, 12-14, and 16-21, drawn to a method for increasing the recovery yield of a recombinant protein using an inhibitor released

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from a plant cell at the time the cells are disrupted, wherein said inhibitor is a sense-mRNA.

Group IV, claim(s) 11 (in part), 1-10, 12-14, and 16-21, drawn to a method for increasing the recovery yield of a recombinant protein using an inhibitor released from a plant cell at the time the cells are disrupted, wherein said inhibitor is an anti-sense mRNA.

Group V, claim(s) 11 (in part), 1-10, 12-14, and 16-21, drawn to a method for increasing the recovery yield of a recombinant protein using an inhibitor released from a plant cell at the time the cells are disrupted, wherein said inhibitor is an inhibitor of transcription.

Group VI, claim(s) 11 (in part), 1-10, 12-14, and 16-21, drawn to a method for increasing the recovery yield of a recombinant protein using an inhibitor released from a plant cell at the time the cells are disrupted, wherein said inhibitor is a regulatory of transcription.

Group VII, claim(s) 11 (in part), 1-10, 12-14, and 16-21, drawn to a method for increasing the recovery yield of a recombinant protein using an inhibitor released

from a plant cell at the time the cells are disrupted, wherein said inhibitor is an inhibitor of translation.

Group VIII, claim(s) 11 (in part), 1-10, 12-14, and 16-21, drawn to a method for increasing the recovery yield of a recombinant protein using an inhibitor released from a plant cell at the time the cells are disrupted, wherein said inhibitor is a regulator of translation.

Group IX, claim(s) 11 (in part), 1-10, 12-14, and 16-21, drawn to a method for increasing the recovery yield of a recombinant protein using an inhibitor released from a plant cell at the time the cells are disrupted, wherein said inhibitor is an inhibitor of leading or signal peptide.

Group X, claim(s) 11 (in part), 1-10, 12-14, and 16-21, drawn to a method for increasing the recovery yield of a recombinant protein using an inhibitor released from a plant cell at the time the cells are disrupted, wherein said inhibitor is an inhibitor of metabolic acquisition of activity of a protease.

Group XI, claim(s) 11 (in part), 1-10, 12-14, and 16-21, drawn to a method for increasing the recovery yield of a recombinant protein using an inhibitor released

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from a plant cell at the time the cells are disrupted, wherein said inhibitor is a protease-specific protease.

Group XII, claim(s) 11 (in part), 1-10, 12-14, and 16-21, drawn to a method for increasing the recovery yield of a recombinant protein using an inhibitor released from a plant cell at the time the cells are disrupted, wherein said inhibitor is an affinity peptide protease leading to segregation to said protease into an organelle or a cell compartment.

Groups XIII-XXIV, claim(s) 22-24, drawn to a plant cell or a plant genetically altered to modulate at least one genetic or metabolic reaction to partially or totally neutralize the action or activity of at least one protease; wherein the inhibitor utilized is the inhibitor from groups I-XII, respectively.

2. The inventions listed as Groups I-XXIV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The technical feature linking groups I-XXIV is a plant genetically altered to modulate at least one genetic or metabolic reaction to partially or totally neutralize the action or activity of at least one protease. Gruber et al. teach a plant genetically

altered to express $\alpha 1$ -antitrypsin which is a protease inhibitor (see Gruber et al. (WO 99/38987, published on August 5, 1999); see abstract). Therefore, the technical feature linking the inventions of groups I-XXIV does not constitute a special technical feature as defined by PCT Rule 13.2 as it does not define a contribution over the prior art.

Accordingly, Groups I-XXIV are not so linked by the same or a corresponding special technical feature as to form a single general inventive concept.

3. Applicant is advised that the reply to this requirement to be complete must include (i) an election of an invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the

inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cathy K. Worley whose telephone number is (571) 272-8784. The examiner is on a variable schedule but can normally be reached on M-F 10:00 - 4:00 with additional variable hours before 10:00 and after 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg, can be reached on (571) 272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CKW

CYNTHIA COLLINS
PRIMARY EXAMINER

A handwritten signature in cursive script, appearing to read "Cynthia Collins".

3/14/07